

1 Alan Harris (SBN 146079)  
David Zelenski (SBN 231768)  
2 HARRIS & RUBLE  
5455 Wilshire Boulevard, Suite 1800  
3 Los Angeles, CA 90036  
Telephone: (323) 931-3777  
4 Facsimile: (323) 931-3366

5 David S. Harris (SBN 215224)  
NORTH BAY LAW GROUP  
6 901 Irwin Street  
San Rafael, CA 94901  
7 Telephone: (415) 460-5300  
Facsimile: (415) 460-5303

8 Attorneys for Plaintiffs  
9 WALTER PEREZ ESCOBAR, MARGARITO  
GONZALEZ and FRANCISCO CISNEROS-ZAVALA

10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13  
14 WALTER PEREZ ESCOBAR,  
MARGARITO GONZALEZ and  
15 FRANCISCO CISNEROS-ZAVALA,  
individually and on behalf of all others  
16 similarly situated,

17 Plaintiffs,

18 v.

19 WHITESIDE CONSTRUCTION  
CORPORATION, NMS SUPPLY INC.,  
20 J.W. CONSTRUCTION, INC. and  
DAVID R. WHITESIDE,

21 Defendants.  
22  
23  
24  
25  
26  
27  
28

Case No. CV-08-1120 WHA

**[PROPOSED] ORDER  
GRANTING MOTION FOR  
CERTIFICATION OF FAIR  
LABOR STANDARDS ACT  
COLLECTIVE ACTION AND  
APPROVAL OF NOTICE**

Date: August 21, 2008  
Time: 8:00 AM  
Courtroom: 9  
Judge: Hon. William Alsup

1 WHEREAS, on August 21, 2008, the hearing on Plaintiff's Motion for  
2 Certification of a Collective Action came before the Honorable William Alsup, in  
3 Courtroom 9, of the United States District Court, Northern District of California;

4 WHEREAS, the Court granted Plaintiff's Motion for Certification of a Collective  
5 Action consisting of all persons who were employed by Whiteside Construction  
6 Corporation, NMS Supply Inc., and/or J.W. Construction, Inc. at any time during the  
7 period from February 25, 2004, through August 21, 2008;

8 WHEREAS, the Court approves the form of Notice to all potential Plaintiffs, a  
9 true and correct copy of which is attached hereto as Exhibit 1;

10 **It Is Hereby Ordered that:**

11 1. Defendants Whiteside Construction Corporation, NMS Supply Inc., J.W.  
12 Construction, Inc., and David R. Whiteside (the "Defendants") shall forthwith provide to  
13 Gilardi and & Co. LLC a copy of the last-known address for all Whiteside Construction  
14 Corporation, NMS Supply Inc., and J.W. Construction, Inc. employees who worked in  
15 California at any time during the period from February 25, 2004, through August 21,  
16 2008;

17 2. To ensure the most complete and accurate mailing reasonably possible,  
18 Gilardi & Co. will mail a copy of Exhibit 1 to all individuals on the list provided by  
19 Defendants and to such list as updated by the National Change of Address database;

20 3. To the extent the Notices are returned to Gilardi & Co. as not deliverable,  
21 Gilardi & Co. shall update the address using Lexis and remail the Notice;

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1           4.     The Whiteside Construction Corporation, NMS Supply Inc., and J.W.  
2 Construction, Inc. employees or former employees who return executed opt-in Notices  
3 shall be deemed to have opted into this litigation as of the date on which Gilardi and Co.  
4 receives their executed opt in form.

5  
6 **IT IS HEREBY ORDERED:**

7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
The Hon. William Alsup